

GIBSON, DUNN & CRUTCHER LLP  
Orin Snyder (*pro hac vice*)  
osnyder@gibsondunn.com  
200 Park Avenue  
New York, NY 10166-0193  
Telephone: 212.351.4000  
Facsimile: 212.351.4035

Kristin A. Linsley (SBN 154148)  
klinsley@gibsondunn.com  
Martie Kutscher (SBN 302650)  
mkutscherclark@gibsondunn.com  
555 Mission Street, Suite 3000  
San Francisco, CA 94105-0921  
Telephone: 415.393.8200  
Facsimile: 415.393.8306

*Attorneys for Defendant Facebook, Inc.,*

GIBSON, DUNN & CRUTCHER LLP  
Deborah Stein (SBN 224570)  
dstein@gibsondunn.com  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: 213.229.7000  
Facsimile: 213.229.7520

Joshua S. Lipshutz (SBN 242557)  
jlipshutz@gibsondunn.com  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: 202.955.8500  
Facsimile: 202.467.0539

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION,

This document relates to:  
  
ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**DECLARATION OF ALEXANDER H.  
SOUTHWELL IN SUPPORT OF  
FACEBOOK'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
SPECIAL MASTER'S ORDER RE  
OUTSTANDING ADI ISSUES**

1 I, Alexander H. Southwell, hereby declare as follows:

2 1. I am an attorney licensed to practice law in the State of New York. I am a partner  
3 with the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for Facebook, Inc.  
4 (“Facebook”) in the above-captioned matter. I submit this declaration in support of Facebook’s  
5 Administrative Motion to Seal Special Master’s Order Regarding Outstanding ADI Issues. I make  
6 this declaration on my own knowledge, and I would testify to the matters stated herein under oath if  
7 called upon to do so.

8 2. Attached as **Exhibit A** is a true and correct **redacted** version of Special Master  
9 Garrie’s October 26, 2021 Order Regarding Outstanding ADI Issues (the “Order”).

10 3. Attached as **Exhibit B** is a true and correct **unredacted** version of the Order. Special  
11 Master Garrie highlighted in yellow a portion of Judge Corley’s Order Granting Motion To Compel  
12 ADI Materials (Dkt. 736, attached as Exhibit A to the Order) for emphasis; Facebook’s proposed  
13 redactions to the Order pursuant to Civil Local Rule 79-5 are highlighted in red.

14 4. Facebook initiated the Application Developer Investigation (“ADI” or the “Investiga-  
15 tion”) because, in the wake of the reporting of data misuse by Cambridge Analytica in March 2018,  
16 Facebook anticipated that it would have to respond to known and expected legal challenges in con-  
17 nection with applications and developers that may have had access to certain data because they were  
18 active before Facebook placed additional, significant limitations on the amount and type of data de-  
19 velopers could request from users through the Facebook Platform in 2014.

20 5. Facebook retained outside counsel (Gibson, Dunn & Crutcher LLP) experienced with  
21 cybersecurity and data privacy internal investigations to design and direct a new investigation that  
22 could, among other things, gather the facts necessary for providing legal advice to Facebook about  
23 litigation, compliance, regulatory inquiries, and other legal risks facing the company resulting from  
24 potential data misuse and activities by third-party app developers operating on the prior version of  
25 Facebook’s platform.

26 6. I led the Gibson Dunn team engaged to develop and conduct the Investigation. I am a  
27 former federal prosecutor and have more than two decades of experience with large-scale, corporate  
28 investigations. The Gibson Dunn team worked with Facebook’s in-house attorneys and members of

1 Facebook's Partnerships, Data Policy, and DevOps teams on the ADI. I and my team at Gibson  
2 Dunn also led the recruitment and retention of technical experts and investigators for the ADI, includ-  
3 ing two leading forensic consulting firms with expertise in assisting with technology-focused internal  
4 investigations.

5 7. The Investigation was highly complex and addressed millions of applications operat-  
6 ing before changes were made to Facebook's platform. There was no industry standard for how to  
7 conduct such an investigation. Rather, under Gibson Dunn's and in-house counsel's leadership, the  
8 ADI investigative team devised and tailored the ADI's methods, protocols, and strategies to address  
9 the specific risks posed by these legal challenges. These proprietary methods and techniques are val-  
10 uable.

11 8. The methods, techniques, and strategies employed during the Investigation are highly  
12 confidential. Indeed, we have taken numerous substantial steps to maintain the confidentiality of de-  
13 tails regarding the Investigation. For example, details about the Investigation—such as the identities  
14 of the two forensic consulting firms retained in connection with the Investigation—are not disclosed  
15 publicly. Internally, details of the Investigation are disclosed to Facebook employees only on a need-  
16 to-know basis.

17 9. Facebook asks the Court to permanently seal the names of the two forensic consulting  
18 firms who assisted with the Investigation on a confidential basis, working at Gibson Dunn's direc-  
19 tion. If these names were disclosed publicly, competitors would have access to confidential infor-  
20 mation regarding Facebook's business relationships with third-party experts. Public disclosure could  
21 undermine Facebook's and Gibson Dunn's current and future relationships with third-party vendors  
22 and be used to cause Facebook competitive harm.

23 10. For these reasons, the information redacted in the parties' submissions is "Confiden-  
24 tial" under the Protective Order and protected from public disclosure by Federal Rule of Civil Proce-  
25 dure 26(c).

26 \* \* \*

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct. Executed on November 19, 2021 in New York, New York.

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Alexander H. Sowell